

its interpretation to the context and scheme of the Act: *Supreme Court References Case* (p. 1). The skeleton framework of the Dominion Constitution had to be clothed with flesh, and nerves, and sinews, by such decisions of the Courts as are contained in this volume.

To begin with, the precise relation of the Crown,—which is spoken of as one and indivisible—to the Dominion, and to the provinces, had to be elucidated: *Attorney-General of Canada v. Cain* (p. 3); and especially its relation to the provinces. Do the lieutenant-governors, for example, though appointed by the Governor-General in Council, nevertheless represent the Crown, so that such prerogatives as the right of priority of payment over other creditors will enure to the provincial governments: *Liquidators of the Maritime Bank of Canada v. Receiver-General of New Brunswick* (p. 5).

Again the British North America Act speaks of the legislative powers expressly conferred upon the Dominion parliament and provincial legislatures as 'exclusive.' Does that mean merely 'exclusive' the one of the other; or was the Federation Act assuming to finally divest the Imperial parliament of any future power over the affairs of Canada? The Imperial parliament is a sovereign legislature, and never since *Smiles v. Belford* (p. 8) has its paramount authority over and within the Empire been questioned. Its actual exercise is another matter.

Then, beyond all doubt, the Dominion parliament and the provincial legislatures received their powers of legislation from the Imperial parliament under the Federation Act; and a general principle of English law is *delegatus non potest delegare*. It might be argued that our legislatures only exercised a delegated power, and therefore could not confer the right to exercise any of their powers upon subordinate bodies, until *Hodge v. The Queen*, (p. 10) finally established